

**INDEX OF A REGULAR MEETING
FORT LAUDERDALE CITY COMMISSION
NOVEMBER 15, 2005**

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**MINUTES OF A REGULAR MEETING
CITY COMMISSION
FORT LAUDERDALE, FLORIDA
November 15, 2005**

Meeting was called to order at 6:00 p.m. by Mayor Naugle on the above date, City Commission Meeting Room.

Roll call showed:

Present: Vice Mayor Christine Teel
Commissioner Dean J. Trantalis
Commissioner Carlton B. Moore
Commissioner Cindi Hutchinson
Mayor Jim Naugle

Absent: None

Also Present: City Manager George Gretsas
City Attorney Harry A. Stewart
City Clerk Jonda K. Joseph
Sergeant At Arms Sergeant Frank Sebregandio

Invocation was offered by Dr. Edward Schindeler, Spiritual Assembly of the Baha'is of Fort Lauderdale, followed by the recitation of the Pledge of Allegiance.

NOTE: All items were presented by Mayor Naugle unless otherwise shown, and all those desiring to be heard were heard. Items discussed are identified by the agenda number for reference. Items not on the agenda carry the description "OB" (Other Business).

Motion made by Commissioner Hutchinson and seconded by Commissioner Trantalis that the minutes of the October 18, 2005 Conference and Regular Meeting minutes and the agenda be approved. Roll call showed: YEAS: Commissioners Trantalis, Moore, and Hutchinson, Vice Mayor Teel and Mayor Naugle. NAYS: None.

Presentations

OB

1. Commendation – Fire-Rescue Department EMT Stefanie Suarez

Commissioner Hutchinson and the City Commission presented a commendation to EMT Stefanie Suarez who became a State Certified Firefighter and a nationally certified Emergency Medical Technician (EMT). She said that Firefighter Suarez has been an Explorer with the Fire Department for the last two years, and also serves as the Post Secretary and Financial Officer, and a member of the City's Community Emergency Response Team.

2. Commendation – Fire Explorer Battalion Chief Christopher Wanka

Commissioner Hutchinson and the City Commission presented a commendation to Fire Explorer Battalion Chief Christopher Wanka for being named “Broward County Explorer of the Year.”

Commissioner Moore left the meeting at approximately 6:08 p.m. and returned to the meeting at approximately 6:09 p.m.

3. Outstanding City Employees

John Hoelzle, Director of Parking & Fleet Services, said that the department wants to honor Municipal Maintenance Worker, Steven White; Municipal Maintenance Worker, Brian Hall (who is unable to attend tonight’s meeting because he has been called to active duty in the Reserves); Security Guard, Bruce Pasteur; and Parking Facilities Maintenance Coordinator, Richard Stapleton, as the Co-Employees of the Month of September, 2005. On September 30, 2005, a car was reported to be on fire in the permit parking section of the garage, and the employees isolated the fire to the area and stopped it from spreading to other vehicles. He said letters have been received from the person whose car was involved thanking the employees, along with a letter from Chief Otis Latin, Fire Department, commending the employees for their quick action.

Albert Carbon, Director of Public Works, commended Monica Radino as the November, 2005 Star Award Winner, an Environmental Inspector in the Stormwater section of Public Works. She helped a woman who was a Hurricane Katrina victim find refuge at a local hurricane site.

Commissioner Hutchinson left the meeting at approximately 6:13 p.m. and returned to the meeting at approximately 6:14 p.m.

Otis Latin, Chief of Fire-Rescue, honored the Basic Life Support Competition Team who is being recognized for their success at the local competitions. He said that they also competed and did well on an international level. He proceeded to honor Shawn Maxwell, Mike Walsh, and Christine McCrady. He said the BLS Team being honored is Mike Secer, Gio Cerana, and Brian McAdams. This is the first time that an Ocean Rescue Agency sent a team for each division to the competition.

Chief Latin said that Acting Lieutenant William White; Driver/Engineer Keith Garner; Firefighter Matt Montifello; Crew Chief Dunell Boyell; and Firefighter/Paramedic Kim Nagier responded to an emergency medical call regarding a choking 15-month old baby. Resuscitation was done and the baby was transported to the hospital.

Chief Latin further honored Jeffrey Falk, Firefighter/Paramedic, who on an Alaskan Airline Flight provided special assistance to fellow passengers. One passenger was having a heart attack and another passenger, who was a pregnant woman, had passed out. The Airlines wanted to thank Firefighter Falk.

4. Smoke Detectors

Commissioner Moore proceeded to explain the procedure in checking smoke detectors.

5. Expression of Sympathy

Vice Mayor Teel and the City Commission presented an expression of sympathy to the family of Reverend Timothy G. Hannon.

Consent Agenda**(CA)**

The following items were listed on the agenda for approval as recommended. The City Manager reviewed each item and observations were made as shown. The following statement was read:

Those matters included under the Consent Agenda are self-explanatory and are not expected to require review or discussion. Items will be enacted by one motion; if discussion on an item is desired by any City Commissioner or member of the public, however, that item may be removed from the Consent Agenda and considered separately.

Event Agreement – Greek Festival**(M-1)**

A motion authorizing and approving execution of an Event Agreement with St. Demetrios Greek Orthodox Community of Broward County, Inc. for the Greek Festival, to be held Friday and Saturday, February 10 and 11, 2006, 11 AM – 11PM; and Sunday, February 12, 2006, 12 Noon – 8 PM on the church grounds at 815 NE 15 Avenue.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 05-1289

Event Agreement – Rumba Tri-Color**(M-2)**

A motion authorizing and approving execution of an Event Agreement with Impacto, LLC for Rumba Tri-Color, to be held at Fort Lauderdale Stadium and Festival Site on Saturday, December 10, 2005, 10 AM – 11 PM and Sunday, December 11, 2005, 9 AM – 6 PM.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 05-1290

**Event Agreement – Home for the Holidays
Closing SE 1 Avenue Southbound Lane****(M-3)**

A motion authorizing and approving execution of an Event Agreement with Ronald McDonald House Charities of South Florida, Inc. for Home for the Holidays, to be held

Thursday, December 1, 2005, 5:30 PM – 8 PM at Ronald McDonald House, 15 SE 15 Street, and authorizing closing southbound lane of SE 1 Avenue.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 05-1297

Event Agreement – Walk for the Animals (M-4)
Closing Streets Along the Route

A motion authorizing and approving execution of an Event Agreement with the Humane Society of Broward County, Inc. for the Walk for the Animals 2006, to be held Saturday, March 4, 2006, 8 AM – 12 Noon, and authorizing closing of City streets along the route.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 05-1298

Event Agreement – Holiday on the Avenue (M-5)
Closing Streets

A motion authorizing and approving execution of an Event Agreement with the South Andrews Business Association, Inc. for Holiday on the Avenue, to be held Saturday, December 3, 2005, 9 AM – 10 PM on South Andrews Avenue from Davie Boulevard to SE 17 Street, and authorizing closing SW 13, 14, 15 and SW 16 Streets from SW 1 Avenue to Andrews Avenue, 5 AM – 12 Midnight.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 05-1225

Event Agreement – Old Fort Lauderdale Holiday (M-6)
Fest – Closing SW 2 Avenue

A motion authorizing and approving execution of an Event Agreement with Fort Lauderdale Historical Society, Inc. for Old Fort Lauderdale Holiday Fest, to be held Saturday and Sunday, December 10 and 11, 2005, 10 AM – 5 PM at Old Fort Lauderdale Village and the surrounding Riverwalk, and authorizing closing SW 2 Avenue for the event.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 05-1237

Event Agreement – The First Gift of the Season (M-7)

A motion authorizing and approving execution of an Event Agreement with Fort Lauderdale Community Church, Inc. for The First Gift of the Season, to be held Sunday, Decemer 4, 2005, 6 PM – 8 PM at Huizenga Plaza.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 05-1240

Event Agreement – Imperial Point Road Race (M-8)
Closing Streets Along the Route

A motion authorizing and approving execution of an Event Agreement with North Broward Hospital District d/b/a Imperial Point Medical Center for the Imperial Point Road Race, to be held Saturday, April 8, 2006, 6 AM – 11 AM at Imperial Point Medical Center and neighborhood streets, and authorizing the closing of City streets along the route.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 05-1291

Grant Acceptance – Florida Department of Agriculture (M-9)
City-Wide Computerized Tree Inventory - \$75,000

A motion authorizing the proper City Officials to accept a grant in the amount of \$75,000 and execute a Memorandum of Agreement with the State of Florida Department of Agriculture and Consumer Services, Division of Forestry to conduct a City-wide computerized tree inventory.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 05-1300

Holiday on the Avenue Co-Sponsorship - Banners (M-10)
South Andrews Business Association

A motion approving co-sponsorship of Holiday on the Avenue, to be held on South Andrews Avenue, between Davie Boulevard and SE 17 Street, on Saturday, December 3, 2005, and allowing installation of banners at specified locations, subject to permitting regulations detailed in the Code of Ordinances.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 05-1249

Racefest Co-Sponsorship Banners – Broward County Convention and Visitor’s Bureau, Las Olas Riverfront And Homestead Miami Speedway (M-11)

A motion approving co-sponsorship of RaceFest, to be held at Huizenga Plaza and Las Olas Riverfront on Thursday, November 17, 2005, and allowing installation of banners at specified locations, subject to permitting regulations detailed in the Code of Ordinances.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 05-1188

Eviction Proceedings – Bromir, Inc., D/B/A Downtown Travel Center Shop 140 at City Park Mall (M-12)

A motion to authorize the proper City Officials to begin eviction proceedings of Bromir, Inc. d/b/a Downtown Travel from Shop 140 at the City Park Mall due to non-payment of rent.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 05-1090

Parking Lot Lease Agreement – Ocean Bistro, Inc. Alhambra Street and Birch Road (M-13)

A motion to award bid of Ocean Bistro, Inc. for lease of parking lot area located between Alhambra and Sebastian Streets and Birch Road and SR A1A for one year commencing November 1, 2005.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 05-1236

Revocable License Agreement – Symphony Towers, LLLP West Las Olas Boulevard Street Lighting (M-14)

A motion authorizing the proper City Officials to execute a revocable License Agreement with Symphony Towers, LLLP, a Florida Limited Liability Limited Partnership, for the installation of streetlights along West Las Olas Boulevard.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 05-1239

Grant Acceptance – Florida Department of Law Enforcement (M-15)
Broward Chabad House Academic Center, Inc. – Project
Pride - \$15,746

A motion authorizing: (1) proper City Officials to accept a grant in the amount of \$15,746 from Florida Department of Law Enforcement in support of Project PRIDE, Broward Chabad House Academic Center, Inc.; (2) appropriation and transfer of \$2,000 from General Fund for cash match; and (3) proper City Officials to execute all necessary documents.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 05-1247

Grant Acceptance – Florida Department of Law Enforcement 7th Avenue Recovery, Inc. – Project (M-16)
New Start - \$18,531

A motion authorizing: (1) proper City Officials to accept a grant in the amount of \$18,531 from the Florida Department of Law Enforcement in support of the 7th Avenue Recovery, Inc. Project New Start; (2) appropriation and transfer of \$1,500 from General Fund for cash match; and (3) proper City Officials to execute all necessary documents.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 05-1248

Grant Acceptance – Florida Department of Law Enforcement - Project Speed Trap - \$73,426 (M-17)

A motion authorizing: (1) proper City Officials to accept a grant in the amount of \$73,426 from Florida Department of Law Enforcement in support of Project SPEED TRAP; (2) appropriation and transfer of \$26,574 from General Fund for cash match; and (3) proper City Officials to execute all necessary documents.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 05-1251

Grant Acceptance – Florida Department of Law Enforcement – Violent Crime and Drug Control Council - \$100,000 (M-18)

A motion accepting a grant in the amount of \$100,000 from the Florida Department of Law Enforcement's Violent Crime and Drug Control Council and authorizing the proper City Officials to execute all necessary documents to receive and disburse grant funds.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 05-1222

Task Order 6 – CMTS Florida, LLC - \$241,911.38 (M-19)
Utility Construction Inspection – Tree Canopy Program

A motion authorizing the proper City Officials to execute Task Order 6 with CMTS Florida, LLC., in the amount of \$241,911.38, for inspection and measurement of existing right-of-way tree canopy that could be affected by utility construction – Project 10822.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 05-1092

Task Order 04-14 – Hazen and Sawyer, P.C. - \$74,950 – Water Use Permitting and Planning Assistance (M-20)

A motion authorizing the proper City Officials to execute Task Order 04-14 with Hazen and Sawyer, P.C., in the amount of \$74,950, for assistance with ongoing water use permitting – Project 10760.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 05-1255

Task Order 48 – Camp Dresser and McKee, Inc. - \$363,283 – 2005 Wastewater Master Plan Update (M-21)

A motion authorizing proper City Officials to execute Task Order 48 with Camp Dresser and McKee Inc., in the amount of \$363,283, for preparation of the 2005 Wastewater Master Plan Update – Project 10997.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 05-1259

Change Order 10 – Astaldi Construction Corporation - (M-22)
\$32,050 – Progresso Sanitary Sewer Improvements

A motion authorizing Change Order 10 with Astaldi Construction Corporation, in the amount of \$32,050, for additional work under Project 9766B – Progresso Sanitary Sewer Improvements.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 05-1182

Change Order 1 – Metro Equipment Service, Inc. - (M-23)
\$169,300 – La Preserve Pump Station and Sailboat Bend Master Pump Station

A motion authorizing Change Order 1 with Metro Equipment Service, Inc., in the amount of \$169,300, for installation of additional sanitary sewer and manholes related to Project 10890 – La Preserve Pump Station and Sailboat Bend Master Pump Station.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 05-1252

Change Order 1 – Danella Companies, Inc. – (\$1,202.29) (M-24)
Credit Harbor Beach Wastewater System and Water Main Improvements

A motion authorizing Change Order 1 with Danella Companies, Inc., in the amount of (\$1,202.29) credit for quantity adjustments and additional work for Harbor Beach Wastewater System and Water Main Improvements – Project 10671.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 05-1254

Change Order 4 – Lanzo Construction Co., Florida - (M-25)
\$96,976.93 – Shady Banks Basin B

A motion authorizing Change Order 4 with Lanzo Construction Co., Florida, in the amount of \$96,976.93, for unforeseen conditions relating to rock encountered in the project site – Shady Banks Basin B – Project 10543B.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 05-1256

Change Order 2 – Lanzo Construction Co., Florida - (M-26)
\$16,823.59 – River Oaks Septic Area 6 Phase II -
Jacob’s Landing

A motion authorizing Change Order 2 with Lanzo Construction Co., Florida, in the amount of \$16,823.59, for unforeseen conditions relating to rock encountered in the project site – River Oaks Septic Area 6 Phase II – Jacob’s Landing Sanitary Sewer, Pump Station and Water Main – Project 10705B.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 05-1257

Funding Agreement – Broward County – SE/SW 2 Street (M-27)
Transit Service by Transportation Management Association

A motion authorizing the proper City Officials to execute an Agreement with Broward County for funding of transit service – SE/SW 2 Street provided by the Downtown Fort Lauderdale Transportation Management Association.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 05-1278

SE/SW 2 Street Transit Service (M-28)
Downtown Fort Lauderdale Transportation
Management Association

A motion authorizing the proper City Officials to execute an agreement with the Downtown Fort Lauderdale Transportation Management Association for transit services on SE/SW 2 Street for a period ending September 30, 2006.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 05-1279

Construction Management Services – Fire Stations (M-29)
URS Corporation

A motion accepting the Consultants’ Competitive Negotiation Act Selection Committee’s recommendation of ranking firms for construction management services for multiple fire station projects and authorizing the proper City Officials to commence negotiations with top ranked firm, URS Corporation or successively ranked firms if necessary.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 05-1174

Reject Bid – East Las Olas Seven Isle Utility Rehabilitation (M-30)

A motion rejecting the sole bid received for Project 10751 – East Las Olas Seven Isle Utility Rehabilitation – Project 10571.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 05-1263

Contract Extension – F.R. Aleman & Associates, Inc. - \$251,000 Annual Point (Potholes) Excavations and Utility Designation Services (M-31)

A motion authorizing the proper City Officials to execute a one-year contract extension with F.R. Aleman & Associates, Inc., in the amount of \$251,000, for Annual Point Excavations (Potholes) and Utility Designation Services – Project 10528-B.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 05-1266

Amendment 1 to Agreement – CMTS Florida, LLC Utility Construction Inspection – 2011 Waterworks (M-32)

A motion authorizing the proper City Officials to approve and execute Amendment 1 to agreement with CMTS Florida, LLC to allow for reimbursement of certain expenses relating to the inspection of 2011 Waterworks City utility construction projects – Project 10822.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 05-1273

Amendment 6 – Work Authorization 16724.40 – Keith and Schnars, P.A. - \$14,765 – Lauderdale West – Sunset Areas Sanitary Sewer Design (Sewer Area 3) (M-33)

A motion authorizing the proper City Officials to execute Amendment 6 to Work Authorization 16724.40 with Keith and Schnars, P.A., in the amount of \$14,765 for additional sanitary sewer improvements for Lauderdale West – Sunset Areas Sanitary Sewer Design (Sewer Area 3) – Project 10506.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 05-1267

Revocable License Agreement – The Stiles Corporation (M-34)
Sidewalk, Lane and Alley Closures – SW 2 Street, SW 1 Avenue
And Las Olas Blvd.

A motion authorizing the proper City Officials to execute a Revocable License Agreement with the Stiles Corporation to allow sidewalk, lane and alley closures (SW 2 Street, SW 1 Avenue (Brickell Avenue) and West Las Olas Boulevard) during construction of a development at 200 Brickell Avenue.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 05-1307

Hospital PPO Participation – Contract Renewal (M-35)
North Broward Hospital District

A motion authorizing renewal of the City's Hospital PPO Participation Agreement with North Broward Hospital District (502-8206-2) for the period of January 1, 2006 through December 31, 2006.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 05-1218

New River Trading Post LLC – First Amendment (M-36)
To Ground Lease

A motion authorizing and approving the First Amendment to Ground Lease, New River Trading Post, for modifications to the project's site plan, revision to the project development schedule, and the addition of certain terms required by Florida Statutes and requested by the tenant's lender.

Recommend: Motion to approve.

Exhibit: Commission Agenda Report 05-1305

PURCHASING AGENDA

**502-8206-1 – Contract Renewal Third Party
Administrative Services**

(PUR-1)

One-year contract renewal to provide third party administrative services for the City's PPO plan is being presented for approval by the Finance Department

Recommend: Motion to approve.
Vendor: Administrative Services, Inc.
Miami, FL
Amount: \$120,000.00 (estimated)
Bids Solicited/Rec'd: N/A
Exhibit: Commission Agenda Report 05-1219

The Procurement Services Department has reviewed this item and recommends a one-year extension with a 5% increase in pricing.

462-9292 – Flexible Couplings

(PUR-2)

One-year contracts for flexible couplings is being submitted for approval by the Public Works Department.

Recommend: Motion to approve.
Vendor: Ferguson Enterprises, Inc. Lion Plumbing Supply, Inc.
Lehman Pipe & Plumbing Supply, Inc.
Amount: Per Unit Prices Per Unit Pricing
Bids Solicited/Rec'd: 233/5
Exhibit: Commission Agenda Report 05-1211

The Procurement Services Department has reviewed this item and recommends awarding to the low responsive and responsible bidders.

Proprietary – Sunshine State One Call of Florida Services**(PUR-3)**

Purchase of Sunshine State One Call service is being presented for approval by the Public Works Department.

Recommend: Motion to approve.

Vendor: Sunshine State One Call of Florida, Inc.
Debary, FL

Amount: \$14,000.00 (estimated)

Bids Solicited/Rec'd: N/A

Exhibit: Commission Agenda Report 05-1214

The Procurement Services Department has reviewed this item and agrees with awarding the proprietary purchase.

Proprietary – Two Raw Water Well Assemblies**(PUR-4)**

Purchase of two complete raw water well assemblies is being presented for approval by the Public Works Department.

Recommend: Motion to approve.

Vendor: Carter & Verplanck, Inc.
Tampa, FL

Amount: \$112,842.00

Bids Solicited/Rec'd: N/A

Exhibit: Commission Agenda Report 05-1208

The Procurement Services Department has reviewed this item and agrees with awarding the proprietary purchase.

462-9294 – Purchase and Installation of Three Air Conditioning Package Units**(PUR-5)**

Approval of the purchase and installation of three air conditioning package units is being presented for approval by the Public Works Department.

Recommend: Motion to approve.

Vendor: McConnell Air Conditioning
Miramar, FL

Amount: \$26,700.00

Bids Solicited/Rec'd: 103/1

Exhibit: Commission Agenda Report 05-1221

The Procurement Services Department has reviewed this item and recommends award to the low responsive and responsible bidder.

**Annual Maintenance – Support Renewal
Payroll – Human Resources Software System**

(PUR-6)

One-year annual agreement for software maintenance and support for the Cyborg Payroll – Human Resources Software System is being presented for approval by the Information Technology Department.

Recommend: Motion to approve.

Vendor: Hewitt Associates, LLC
Lincolnshire, IL

Amount: \$131,023.15

Bids Solicited/Rec'd: N/A

Exhibit: Commission Agenda Report 05-1243

The Procurement Services Department has reviewed this item and recommends awarding the renewal agreement.

**Proprietary – Single-Space Meter Components/Parts
& Supplies**

(PUR-7)

Approval to purchase components/parts and supplies for the maintenance of 2,600 Duncan-brand single-space meters is being presented for approval by the Parking and Fleet Services Department.

Recommend: Motion to approve.

Vendor: Duncan Parking Technologies, Inc.
Harrison, AR

Amount: \$30,479.00

Bids Solicited/Rec'd: N/A

Exhibit: Commission Agenda Report 05-1287

The Procurement Services Department has reviewed this item and recommends approving the proprietary purchase.

**Proprietary – Annual Purchase of Ganis Smart Park
In-Car Meters**

(PUR-8)

Approval to purchase up to 250 Smart Park in-car parking meters and 400 Smart Park cards for the in-car meters in FY05-06 is being presented for approval by the Parking and Fleet Services Department.

Recommend: Motion to approve.

Vendor: Ganis Smart Park Systems, Inc.
Nes Ziona, Israel

Amount: \$17,750.00 (not to exceed)

Bids Solicited/Rec'd: N/A

Exhibit: Commission Agenda Report 05-1292

The Procurement Services Department has reviewed this item and recommends approving the proprietary purchase.

762-9278 – Reject Mobile Bleachers Bid

(PUR-9)

Rejection of the mobile bleachers bid is being presented for approval by the Parks and Recreation Department.

Recommend: Motion to approve.

Bids Solicited/Rec'd: 266/3

Exhibit: Commission Agenda Report 05-1076

The Procurement Services Department has reviewed this item and recommends the rejection of all bids.

**452-9117 – Cancellation and Re-Award
Landscape Maintenance Services**

(PUR-10)

Cancellation and re-award of the parking lot, fire station, utility station and right-of-way landscape maintenance services contract is being presented for approval by the Parks and Recreation Department.

Recommend: Motion to approve.

Vendor: DynaServ Florida, Inc.
Davie, FL

Amount: \$160,000.00 (estimated)

Bids Solicited/Rec'd: N/A

Exhibit: Commission Agenda Report 05-1223

The Procurement Services Department has reviewed this item and recommends cancellation of contract and re-award to the next lowest bidder.

952-9255 – Uniforms, Building Services

(PUR-11)

Two-year contract for the purchase of uniforms is being presented for approval by the Building Services Department.

Recommend: Motion to approve.

Vendor: Morrow Marketing, Inc.

Coral Springs, FL

Amount: Per Unit Pricing

Bids Solicited/Rec'd: 371/15

Exhibit: Commission Agenda Report 05-1217

The Procurement Services Department recommends awarding to the lowest responsive and responsible bidder.

Firefighter and Hazardous Materials Training Facility

(PUR-12)

An agreement to purchase probationary testing and hazardous materials training is being presented for approval by the Fire Rescue Department.

Recommend: Motion to approve.

Vendor: The School Board of Broward County, FL – Broward Fire Academy

Fort Lauderdale, FL

Amount: \$38,779.66

Bids Solicited/Rec'd: N/A

Exhibit: Commission Agenda Report 05-1230

The Procurement Services Department reviewed this item and recommends approving purchase from the Broward Fire Academy.

Proprietary – Annual Software Maintenance for CAD Analyst/Adam

(PUR-13)

Annual maintenance of ADAM and CAD Analyst software is being presented for approval by the Fire Rescue Department.

Recommend: Motion to approve.

Vendor: Deccan International

San Diego, CA

Amount: \$16,335.00

Bids Solicited/Rec'd: N/A

Exhibit: Commission Agenda Report 05-1258

The Procurement Services Department reviewed this item and recommends approving the proprietary purchase.

Event Agreement – Rumba Tri-Color (M-2)

Event Agreement – The First Gift of the Season (M-7)

Change Order 2 – Lanzo Construction Co., Florida - \$16,823.59 (M-26)
River Oaks Septic Area 6 Phase II – Jacob’s Landing

Mayor Naugle said that these items have been withdrawn from tonight’s agenda. The special events have been cancelled due to the hurricane.

The following items were removed from the Consent Agenda as recommended:

Motion made by Commissioner Hutchinson and seconded by Vice Mayor Teel that Consent Agenda Item Nos. M-9, M-12, M-19, M-23, M-35 and Pur-1 be deleted from the Consent Agenda and considered separately, and that all remaining Consent agenda items be approved as recommended.

Roll call showed: YEAS: Commissioners Trantalis, Moore and Hutchinson, Vice Mayor Teel and Mayor Naugle. NAYS: None.

Grant Acceptance – Florida Department of Agriculture (M-9)
City-Wide Computerized Tree Inventory - \$75,000

Commissioner Hutchinson said that she pulled this item to ask what is being surveyed.

Phil Thornburg, Director Parks and Recreation, said they are surveying City property trees, including park property and right-of-way.

Motion made by Commissioner Hutchinson and seconded by Commissioner Moore to approve this item as presented. Roll call showed: YEAS: Commissioners Trantalis, Moore, and Hutchinson, Vice Mayor Teel and Mayor Naugle. NAYS: None.

Eviction Proceedings – Bromir, Inc., d/b/a Downtown Travel (M-12)
Center Shop 140 at City Park Mall

David Alcott, Downtown Travel, said that he sent a statement to the Commission regarding their eviction. They have been at this location for 30 years. Due to recent problems they are five months behind in their rent. The City Real Estate Office is attempting to evict them; they have been given four hours to vacate. He felt they deserve better treatment. For the last four months he has attempted to speak with a City official in regard to his pay-off plan, but no response has been received.

Commissioner Moore asked if this matter could be tabled. He said that he represents a revolving loan committee that assists small disadvantaged businesses, and suggested that they meet with this individual.

Commissioner Hutchinson asked if staff could provide information on this matter.

Ed Udvardy, Assistant Public Works Director, said Mr. Alcott has been a good tenant for a long time. Staff has been dealing with him since March or April of this year. Numerous meetings have been held, along with conversations with the City Attorney. Mr. Alcott is \$16,000 in arrears. Staff feels it is appropriate to begin eviction proceedings. He said they would work with Mr. Alcott and allow him to close his shop. He believed there has been some miscommunication regarding the four-hour timeline.

Mayor Naugle asked when the last payment was received from Mr. Alcott. Mr. Udvardy said that he has been paying intermittently, but he now owes \$16,608. The last payment received was on June 6th.

Motion made by Commissioner Moore to table this matter until December 6, 2005 at 6:00 p.m.

Mr. Udvardy was agreeable to having Commissioner Moore work with Mr. Alcott on this matter. He asked if Mr. Alcott is interested in meeting with the committee co-chaired by Commissioner Moore.

Mr. Alcott said the conversations he has had with the City's Real Estate Office has been in regard to a different matter. He has a proposal to pay off the debt. He does not feel that a loan is necessary. He has not been able to present the proposal to anyone at the City.

Commissioner Moore suggested that this matter not be discussed during a public meeting. A bridge loan could possibly be given to assist Mr. Alcott.

Commissioner Trantalis said this matter could be tabled until the next Commission meeting so meetings could be held with staff. Then, the Commission can revisit the situation at that time.

Commissioner Trantalis seconded the motion. Roll call showed: YEAS: Commissioners Trantalis, Moore and Hutchinson, Vice Mayor Teel, and Mayor Naugle. NAYS: None.

Task Order 6 – CMTS Florida, LLC - \$241,911.38 – Utility (M-19)
Construction Inspection – Tree Canopy Program

Commissioner Trantalis said that he pulled this item because a question arose at his neighborhood meeting. He asked if the task order has been competitively bid.

Commissioner Moore left the meeting at approximately 6:32 p.m.

Paul Bohlander, Assistant Utilities Services Director, said that CMTS was hired by the contractor as the consultant to do primarily inspection work under the 2011 WaterWorks Project. The contract has been procured in accordance with the Competitive

Consultants' Negotiation Act. This work is closely related to the inspection that needs to be done in the 2011 WaterWorks areas.

Commissioner Trantalis asked how this relates to Item M-9 regarding the City-wide tree inventory.

Mr. Bohlander understood that the two items are not related. This is to determine what has to be done in order to allow construction of sanitary sewers in the right-of-way. They are identifying what trimming is to be done in a clear area that is curb-to-curb. What needs to be trimmed will be balanced with additional construction costs associated with working underneath existing tree limbs. This project relates to work already being undertaken by the contractor.

Commissioner Trantalis asked if staff is conceptualizing the process in which this contractor was procured because they have already gone through a RFP process. Mr. Udvardy confirmed that is correct.

Commissioner Hutchinson thought that this is a great pro-active approach to the water and sewer project. For example, it may not be necessary to take thirty feet out of a fifty year old Oak tree. She commended staff for this route.

Commissioner Moore returned to the meeting at approximately 6:34 p.m. He indicated that he has heard positive feedback about this contractor.

Motion made by Commissioner Hutchinson and seconded by Commissioner Trantalis to approve this item as presented. Roll call showed: YEAS: Commissioners Trantalis, Moore, and Hutchinson, Vice Mayor Teel, and Mayor Naugle. NAYS: None.

Change Order 1 – Metro Equipment Service, Inc. - \$169,300 (M-23)
La Preserve Pump Station and Sailboat Bend Master Pump Station

Commissioner Hutchinson said that she pulled this matter. She said that the back-up is about La Preserve; Sailboat Bend was not addressed.

Paul Bohlander, Assistant Utilities Services Director, said that the situation regarding the Georgian Oaks development is unique to the River Oaks component of this project. This change order does not involve Sailboat Bend. He said the project under which this Change Order is being proposed includes the River Oaks and Sailboat Bend work. He confirmed Commissioner Hutchinson's understanding that this change order only has to do with River Oaks.

Motion made by Commissioner Hutchinson and seconded by Commissioner Moore to approve this item as presented. Roll call showed: YEAS: Commissioners Trantalis, Moore and Hutchinson, Vice Mayor Teel, and Mayor Naugle. NAYS: None.

Hospital PPO Participation – Contract Renewal (M-35)
North Broward Hospital District

Commissioner Moore was concerned about the 5% increase, and asked why it is a necessity.

Bernard Wray, Finance Director, introduced Mr. Lloyd Rhodes, who helped negotiate the contract.

Lloyd Rhodes, The Rhodes Insurance Group, Insurance Consultant, said the City entered into the agreement when the majority of employees were in a PPO plan, before the AvMed Plan, and the Hospital District agreed to it. There were no administrative fees, and the agreement is for a schedule of fees and per diems which was and continues to be a good deal for the City. The contract has been renewed in spite of reduced enrollment. There are 141 employees and retirees in the plan. There has been a great reduction in utilization of their facilities. Holy Cross is now more utilized. Continuing the contract is an accommodation to the City. The 5% increase is in line with the industry, and of the 12% trend factor used in projecting rates and is common for South Florida, the majority of it is comprised of hospital inpatient/outpatient charges going up. In the PPO Plan, there is a discount arrangement for which an administrative fee is paid, and is based upon discounted charges, not per diems. There are automatic increases in that contract because it is a discount of retail charges.

Mr. Rhodes felt the 5% increase is reasonable with the market place. The City does not have a lot of strength to negotiate because even continuing the contract is an accommodation to the City. The discount still is better than the PPO discount when their facilities are utilized and certainly justifies the benefit differential that the employees can take advantage of, provided they use their facilities.

Commissioner Moore asked if the increase is being given in an area that is being under utilized simply because the City is in the pool. Mr. Rhodes said that the Hospital District is increasing their fees to managed care organizations on an annual basis, and they are not willing to set anything beyond one year because of inflationary pressures and changes in the marketplace. He reiterated that a 5% increase is reasonable. Recently he read an article that stated that hospital costs are going up closer to the 10% range.

Commissioner Moore referred to the back-up information that says there is no increase provision in the agreement, but they are invoking an emergency insurance purchase provision. He thought the reason they did not have automatic increases in the agreement was to control cost. He wanted to understand the justification for the 5% increase, and was concerned about invoking an emergency provision.

Mr. Rhodes said that at the inception of the contract, North Broward Hospital District was not willing to guarantee the fee schedule for any period of time. He said that insurance companies on fully insured contracts do not issue a rate guarantee of more than 12 months. This was done on a single-source basis, and he is not sure why it is going through the emergency process. They are recommending that it continues to be a good thing for the City, and that the increase is reasonable in light of the low utilization of the plan. The majority of utilization is in the AvMed Plan, which is why a positive renewal is coming up on January 1st.

Commissioner Moore was concerned about the emergency provision being invoked. He asked why this is being utilized.

The City Attorney said that the current contract does not contain an escalation clause, but there is a termination clause. They considered the notice of increase tantamount to a notice of termination. Therefore, there was no time to get someone else onboard in order to keep the insurance in place. The only way to do that was to invoke the emergency provisions. The contract will be bid or renegotiated next year.

Commissioner Moore thought that someone was monitoring the store. He felt this is due to someone not dotting an "i" or crossing a "t."

Commissioner Trantalis said he is a small business owner providing health insurance to his employees. He has been told that their insurance is to increase in double digits. He did not think that insurance companies promise a rate beyond the one-year time frame.

Mr. Wray felt there was a misinterpretation of the contract. There has been a lot of turn over in the Finance Department. They felt since the language was solid and they would have the right to negotiate and they have been doing so for the last couple months. When they approached the City Attorney's Office, they were instructed that they had to go for a bid, if there was an increase, which was not staff's interpretation.

Commissioner Moore indicated he simply wanted to understand why this was happening.

Motion made by Commissioner Hutchinson and seconded by Commissioner Moore to approve the item as presented. Roll call showed: YEAS: Commissioners Trantalis, Moore and Hutchinson, Vice Mayor Teel, and Mayor Naugle. NAYS: None.

**502-8206-1 – Contract Renewal Third Party
Administrative Services**

(PUR-1)

Commissioner Moore said this service has gone through several companies without bidding. Companies are being rotated due to various reasons, including mergers and going out of business. He further said that this is extending a contract for five years with the condition of the first company with which the City started in 2000 and who has had two changes since that time. He asked why this is not being recommended for a rebid at this time.

Kirk Buffington, Director of Procurement Services, said the recommendation is for a contract extension of one year with a 5% increase. He said they can put the contract out for a rebid after the one year.

Commissioner Moore asked if that is the Consultant's recommendation.

Mr. Rhodes confirmed that is correct. If the PPO is put out for a rebid, then they also have to do the same with the HMO. It is not in the City's best interest to piecemeal the health plan, and many people in the marketplace would not be willing to take over that portion of the plan and not do it as a single source.

Commissioner Moore said he is referring to the TPA services. Mr. Rhodes said they would not suggest that the smallest part of the plan be put out in an RFP. Commissioner Moore noted the City has a year to negotiate and discuss the matter.

Commissioner Moore said this is a one-year extension with the possibility of TPA Services going out for bid. Mr. Rhodes confirmed that is correct.

Motion made by Commissioner Hutchinson and seconded by Vice Mayor Teel to approve the item as presented. Roll call showed: YEAS: Commissioners Trantalis, Moore and Hutchinson, Vice Mayor Teel, and Mayor Naugle. NAYS: None.

PUBLIC HEARINGS

Rezoning – Case 10-Z-05 – North Side of Davie Boulevard Between SW 28 Terrace & SW 28 Avenue (PH-1)

Applicant: St. Thomas Aquinas High School, Inc.
Location: North side of Davie Boulevard between SW 28 Terrace & SW 28 Avenue
Zoning: Residential Single Family/Low Medium Density (RS-8) to Community Facility (CF)

Motion made by Commissioner Moore and seconded by Commissioner Hutchinson to close the public hearing. Roll call showed: YEAS: Commissioners Trantalis, Moore and Hutchinson, Vice Mayor Teel, and Mayor Naugle. NAYS: None.

Commissioner Hutchinson introduced the following ordinance as follows:

ORDINANCE NO. C-05-37

AN ORDINANCE CHANGING THE UNIFIED LAND DEVELOPMENT REGULATIONS OF THE CITY OF FORT LAUDERDALE, FLORIDA, SO AS TO REZONE FROM RS-8 TO CF; LOTS 13, 14, AND 15, BLOCK 7, "GILLCREST 1ST ADDITION," ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 34, PAGE 47, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, LOCATED ON THE NORTH SIDE OF DAVIE BOULEVARD, BETWEEN SOUTHWEST 28TH TERRACE AND SOUTHWEST 28TH AVENUE, IN FORT LAUDERDALE, BROWARD COUNTY, FLORIDA, AND AMENDING THE OFFICIAL ZONING MAP AND SCHEDULE "A" ATTACHED THERETO TO INCLUDE SUCH LANDS.

Which ordinance was read by title only. Roll call showed: YEAS: Commissioners Trantalis, Moore and Hutchinson, Vice Mayor Teel, and Mayor Naugle. NAYS: None.

ORDINANCES

Planning and Zoning Board Meetings - Meeting (O-1)
Changes – Case 7-T-05 – Amending Section 47-30.4 –
Unified Land Development Regulations

Commissioner Hutchinson introduced the following ordinance on second reading:

ORDINANCE NO. C-05-34

AN ORDINANCE CHANGING THE UNIFIED LAND DEVELOPMENT REGULATIONS OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING SECTION 47-30.4, RESPECTING MEETING TIMES AND DATES AND SETTING PROCEDURES FOR SETTING RESCHEDULED MEETINGS OF THE PLANNING AND ZONING BOARD.

Which ordinance was read by title only. Roll call showed: YEAS: Commissioners Trantalis, Moore, and Hutchinson, Vice Mayor Teel, and Mayor Naugle. NAYS: None.

Rezoning – Hammocks at Edgewood Park (O-2)
2807 SW 15 Avenue – Case 7-Z-05

Applicant: Hammocks at Edgewood Developers, Inc.
Location: West of SW 15 Avenue between SW 28 & SW 30 Streets –
2807 SW 15 Avenue
Zoning: MHP to RML-25, RD-15 to RC-15, RMM-25 to RC-15

Commissioner Hutchinson introduced the following ordinance on second reading:

ORDINANCE C-05-34

AN ORDINANCE CHANGING THE UNIFIED LAND DEVELOPMENT REGULATIONS OF THE CITY OF FORT LAUDERDALE, FLORIDA, SO AS TO REZONE FROM MHP TO RML-25, A PARCEL OF LAND BOUNDED GENERALLY ON THE EAST BY SOUTHWEST 15TH AVENUE, THE SOUTH BY THE SOUTH LINE OF SAID PARCEL "A," THE WEST BY THE WEST LINE OF TRACT 26, AND THE NORTH BY THE NORTH LINE OF SAID TRACT 26, LOCATED ON THE WEST SIDE OF SOUTHWEST 15 AVENUE, BETWEEN SOUTHWEST 27 COURT AND SOUTHWEST 30 STREET; AND TO REZONE FROM RMM-25 AND RD-15 TO RC-15, A PORTION OF TRACT 25, ACCORDING TO F.A. BARRETT'S SUBDIVISION OF THE WEST ONE-HALF (W. ½) OF SECTION 21, TOWNSHIP 50 SOUTH, RANGE 42 EAST, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 1, PAGE 46 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, TOGETHER WITH A PORTION OF PARCEL "A" OF LAUDERWOOD AMENDED ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 36, PAGE 14 OF THE PUBLIC RECORDS OF BROWARD

COUNTY, FLORIDA, IN FORT LAUDERDALE, BROWARD COUNTY, FLORIDA, AND AMENDING THE OFFICIAL ZONING MAP IN SCHEDULE "A" ATTACHED THERETO TO INCLUDE SUCH LANDS.

Which ordinance was read by title only. Roll call showed: YEAS: Commissioners Trantalis, Moore, and Hutchinson, Vice Mayor Teel, and Mayor Naugle. NAYS: None.

Vacate Alley – Hammocks at Edgewood Park (O-3)
Case 12-P-05

Applicant: Hammocks at Edgewood Developers, Inc.
Location: North-South/Est-West Alley west of SW 15 Avenue and north of SW 30 Street

Commissioner Hutchinson introduced the following ordinance on second reading:

ORDINANCE C-05-35

AN ORDINANCE VACATING, ABANDONING, AND CLOSING ALL OF THE 15 FOOT ALLEY LYING BETWEEN LOTS 19 AND 20, BLOCK 1, "LAUDERWOOD AMENDED," ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 36, PAGE 14; AND ALL OF THE 15 FOOT AND 10 FOOT WIDE ALLEY LYING WEST OF AND NORTH OF LOTS 1 AND 2, "LAUDERWOOD," ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 9, PAGE 61, BOTH OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA; BEING BOUNDED ON THE SOUTH BY THE NORTH RIGHT-OF-WAY LINE OF SOUTHWEST 30TH STREET AND BOUNDED ON THE EAST BY THE WEST RIGHT-OF-WAY LINE OF SOUTHWEST 15TH AVENUE, LOCATED AT THE NORTHWEST INTERSECTION OF SOUTHWEST 15TH AVENUE WITH SOUTHWEST 30TH STREET, SUCH LAND BEING LOCATED IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA.

Which ordinance was read by title only. Roll call showed: YEAS: Commissioners Trantalis, Moore, and Hutchinson, Vice Mayor Teel, and Mayor Naugle. NAYS: None.

CITIZEN PRESENTATIONS

Kenyel Thomas – Parks and Recreation Department and the Police Department (CIT-1)

Kenyel Thomas said that the report their community is doing regarding the Parks and Recreation Department is not yet completed.

Mr. Thomas said that he spoke to the Mayor regarding an incident that occurred on January 4, 2005 at George English Park involving an off-duty police officer. A false report and statement was made to the Fort Lauderdale Police Department. His car was

searched and destroyed at the time. He provided a detailed report. The police station did a felony stop based on the allegation that he pulled a gun on an off-duty police officer. Mayor Naugle asked if that was a Sheriff's deputy and Mr. Thomas indicated that was correct. He said that the District Attorney found that the statements made to the officers were false which is contained in the report.

Commissioner Moore left the meeting at approximately 6:53 p.m.

Mr. Thomas said that he filed a claim with the City's Risk Management Department regarding the damage done to his car, but the claim was denied. He was told the City is not responsible for what happened. He said that Mr. Jilek, City Risk Management Department, said that the Police Department said that they did not cause the damage and he would stand behind them. Mr. Thomas felt that is wrong. He suffered \$2,000 worth of damage to his car based on false accusations. More disturbing is that everyone involved are officers.

Mayor Naugle asked what was the nature of the damage to the vehicle.

Mr. Thomas said that the felony stop was conducted and the officers ripped out the panels and seats of his car. Photographs have been supplied to the Commission.

Commissioner Trantalis asked if this matter has been raised with Internal Affairs of the Fort Lauderdale Police Department. Mr. Thomas confirmed yes. He tried to file an official complaint. BSO has a procedure which he followed and action was taken against the officer making the false statement. He said that the City's Police Department does not have a procedure to file a formal complaint against an officer. A conversation is held with a supervisor, who then makes the decision as to whether the matter is to be investigated on two principles. One is whether a discourtesy was committed, or a violation of law. If the complaint is not covered by either of those categories, then a report is not written. There is nothing in writing. He asked for a written report to be made and charges filed against the officers, but the sergeant said that they do not file charges, that charges are only filed by the District Attorney.

Commissioner Trantalis asked if there were other passengers in the vehicle at the time. Mr. Thomas said that two other individuals were in the car. Commissioner Trantalis asked if they provided any statements, saying that they witnessed such destruction. He asked if the individuals would step forward and say they were witnesses to the alleged act. Mr. Thomas said that the passengers would make such a statement. He had to sell his car because repairing it and keeping up the payments was not feasible.

Commissioner Trantalis asked Chief Roberts to provide further information.

Bruce Roberts, Chief of Police, said the case has been investigated, and they found no wrongdoing on the part of the officers. The stop was found to be justified. The issue regarding damage to the car is an ongoing Risk case that has yet to be settled. Therefore, he is reluctant to make any further comments.

Commissioner Moore returned to the meeting at approximately 7:00 p.m.

Chief Roberts said he is just now hearing that the vehicle in question has been sold. He further said that several attempts were made to inspect the vehicle in order to assess the damage, but Risk Management never had the opportunity to do so.

Commissioner Trantalis asked if the witnesses were able to corroborate his statement. Chief Roberts said that he would check into the matter. It would have been normal practice to do so. He outlined how the complaint originated and some history on the chronology of events.

Commissioner Trantalis asked what the officers did to the car at the time of the felony stop. Chief Roberts said that the allegation is that the officers caused \$2,000 worth of damage to the car, but such allegations are being denied by the officers.

Commissioner Moore suggested that further reviews be conducted regarding this matter by the City Manager, Police Chief and Risk Manager.

Mayor Naugle pointed out if a call is received from the Sheriff's deputy, one will aggressively search a car and it may be damaged in the process.

Commissioner Trantalis said that unless there is a warrant to search the vehicle, only the immediate reaching area of the occupant could be searched. This individual is claiming they rummaged through and tore apart, which he felt goes beyond the point of the average search and seizure. He asked why this matter did not go before the Citizen Review Board. Chief Roberts said he did not know if the matter went before that board, but he would check into the matter. He noted that the car has been sold. Commissioner Trantalis noted that the car might have been sold for less because of the damage.

Mr. Thomas did not recall being approached by any Fort Lauderdale Internal Affairs people. The only department that contacted him was the BSO, which is where the Fort Lauderdale Police Department referred him because that was who made the initial call.

Commissioner Moore said that citizens have a right to file allegations against officers regarding inappropriate activity to the City's Internal Affairs for the Police Department.

Mr. Thomas said that he was under gun point by seven officers, and he was not in the position to make any statement at that time.

The City Manager said that the matter would be reviewed further and a report would be given to the Commission.

Mark Gunderson and Steve Dowling -
Access to Riverland Road Via SW 18 Street

(CIT-2)

Steve Dowling, 1763 SW 25th Avenue, said he is representing his neighborhood, along with Mark Gunderson, a neighbor. They are concerned about not getting City sewers in their neighborhood. They worked with City staff to attempt to resolve some issues revolving around the matter. They are requesting action from the Commission to do an eminent domain proceeding on one parcel to allow the sewer project to proceed down 18th Street into 25th Avenue, and serve the thirteen home community. All neighbors signed the appropriate easements, but there appears to have been some over zealous attempts to appropriate easements by engineers during the design. Some easements exist in private driveways which threaten to take away property from people where large

trees and part of a swimming pool are located. It has been found that they are no longer appropriate therefore those neighbors are satisfied. They have a 100% buy-in.

Commissioner Hutchinson asked if the one individual refusing to sign-off on the easement has done so as of this time. Mr. Dowling said that is Mr. Joe Burns and he has not yet signed. They are asking for eminent domain on his property. Commissioner Hutchinson said that she met with both Mr. Gunderson and Mr. Dowling along with City staff, and the issue is simple. She said everyone wants sewers and they will get them, including the neighbor that will not sign the easement because his service will come off Riverland Road. The other 13 property owners have to cross on that person's private road in order to connect the service.

Mark Gunderson said that there is an existing easement across Mr. Burns' property, but it is for roadways, and not for utilities. If eminent domain is exercised, it would not be costly because they would not be impairing that person's property rights to any great extent.

Commissioner Hutchinson asked if staff could review the matter and then present it to the Commission in a timely fashion. The construction people are currently working there and she did not want to do this after they have left.

The City Attorney said that tonight is the first time that staff has heard that they have full sign-off from the neighbors. The neighborhood was told if everyone signed off except the one owner, staff would then attempt to negotiate a purchase with the owner and if that fails, then a recommendation would be made to the Commission for eminent domain.

Commissioner Hutchinson did not want the WaterWorks process to be delayed.

Commissioner Trantalis asked if the City has the right of prescriptive easement in this matter. The City Attorney said that it would only be for the purposes of using the easement, ingress and egress. It is a private roadway, and therefore, the City could not exercise such an easement. The City has a water line in the easement serving the concerned homes. In order to resolve the issue, they will probably recommend eminent domain for both water and sewer. He believed there is a prescriptive easement for the water line because of the time period, and for use by the property owners as a roadway, but he did not believe a prescriptive use could be claimed for a sewer that has not yet been installed.

With respect to eminent domain, Commissioner Moore hoped the Commission would be given an opportunity for deliberation before such offering is made. Negotiations are a better way than an eminent domain suit. An eminent domain action would not be welcomed.

Mr. Dowling understood and indicated that they support the sewer program, and were disappointed when this problem arose. It is unfortunate that Mr. Burns owns the property in joint tenancy with an estranged sister, and she does not want to sign-off on the easement. He thanked the Commission for their consideration.

Freedom of Expression

John Wang, resident of City View, said he is an artist and his work is shown in various locations in the area. He makes his living by doing portraits. He was told by the police that he could not do portraits on the street. He now works inside of Picasso's on Las Olas. He has been arrested three times, but he believes he has the right to free expression and free speech. Art is protected by the First Amendment. The police told him he is displaying goods for sale without a permit. He was turned down for a permit, and told no street artists have received permits. He was told even if the art work was free, it would still not be allowed. He understood that case law provides that restrictions on freedom of expression are limited; only by time, place and manner. In Fort Lauderdale, there is no place, no time and no manner for street artists. The police have told him he cannot paint people, only scenery.

Commissioner Trantalis asked how Mr. Wang goes out doing his art work. Mr. Wang said that he sits sometimes; has a small carrier with a chair. Commissioner Trantalis asked if artists are permitted to obtain occupational licenses for working on Las Olas.

Valerie Bohlander, Building Director, said this is not permitted in public right-of-ways. Las Olas is not zoned for this type of activity on the sidewalks.

Commissioner Trantalis asked if such artists could paint in a park or specifically what areas of the city.

Commissioner Moore said that this matter has not been placed on tonight's agenda, therefore, he asked it be addressed in a future conference meeting.

Commissioner Trantalis thought it deserved to be placed on a conference agenda. He asked why artists are not permitted.

Greg Brewton, Deputy Director of Planning and Zoning, said that there is a requirement that certain zoning specifications be met for individuals operating within the public right-of-way. The actual zoning lines extend to the middle of the right-of-way. The ULDR requires that a business be operated in an enclosed building, and activities outside of the building would have to be specifically permitted by the ULDR.

Commissioner Trantalis asked if this is what the City wants to do. Mr. Brewton said that there are zoning classifications and specific uses permitted. Districts could be created where certain activities could be conducted within the right-of-way, but a special ordinance would have to be created.

Commissioner Trantalis admitted that he did not know artists were not permitted. He explained to Mr. Wang that this would be scheduled on a future meeting and hopefully change the law to allow it.

Commissioner Moore said that certain areas should be considered for these types of activities, such as the Riverwalk. He asked that such discussion be held at a future conference meeting.

RESOLUTIONS

Revocable License Agreement – Noise Monitoring Device – Right-of-way of SW 27 Avenue - Riverland

(R-1)

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 05-191

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING EXECUTION BY THE PROPER CITY OFFICIALS OF A REVOCABLE LICENSE WITH BROWARD COUNTY FOR THE PLACEMENT AND OPERATION OF NOISE MONITORING DEVICES IN A PUBLIC RIGHT-OF-WAY, SUBJECT TO CERTAIN TERMS AND CONDITIONS.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Trantalis, Moore, and Hutchinson, Vice Mayor Teel, and Mayor Naugle. NAYS: None.

Broward County – Right-of-Way Easement – West Six Feet – SW 27 Avenue – Riverland Park

(R-2)

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 05-192

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, PURSUANT TO CITY CHARGER SECTION 8.03, AUTHORIZING EXECUTION BY THE PROPER CITY OFFICIALS OF A RIGHT-OF-WAY EASEMENT DEED IN FAVOR OF BROWARD COUNTY, FLORIDA FOR PROPERTY DESCRIBED BELOW.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Trantalis, Moore, and Hutchinson, Vice Mayor Teel, and Mayor Naugle. NAYS: None.

Downtown Development Authority Millage Rate – Fiscal Year 2005-2006

(R-3)

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 05-193

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, VACATING THE DRAINAGE EASEMENT OVER THE SOUTHWESTERLY 10 FEET OF LOT 4, BLOCK 5, "HARBOR BEACH UNIT ONE," ACCORDING TO THE PLAT THEREOF,

RECORDED IN PLAT BOOK 19, PAGES 6 AND 10, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, LOCATED ON PROPERTY AT 1235 EAST LAKE DRIVE, NORTH OF SYLVAN LANE, LYING AND BEING IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Trantalis, Moore, and Hutchinson, Vice Mayor Teel, and Mayor Naugle. NAYS: None.

Comprehensive Plan Text Amendment – South Regional Activity Center – Transfer 475 Existing Residential Flex Units; Case 5-T-05 **(R-4)**

Mayor Naugle announced that a form entitled the Comprehensive Plan Citizen Courtesy Information List is available with the Assistant City Clerk. It is provided for citizens requesting personal notice from the Florida Department of Community Affairs of the State's intentions to find the amendments in compliance with State law.

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 05-194

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, APPROVING THE TRANSMITTAL TO THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS OF A TEXT AMENDMENT TO THE CITY OF FORT LAUDERDALE COMPREHENSIVE PLAN TO AMEND THE LAND USE ELEMENT TO TRANSFER DWELLING UNITS FROM FLEXIBILITY ZONE 56 TO THE SOUTH REGIONAL ACTIVITY CENTER.

Which resolution was read by title only.

Sarah Stewart, representing the Yacht Haven Park and Marina, said that they are an RV park located west of I-95 on SR 84 and within Flex Zone 56. They have been working on a project to permit mixed-use development on this property, and they are going to request an allocation of 329 flex units. Staff has raised a concern that once the 475 units are transferred and they take 329 units, there would not be many units remaining. After the 329 are removed, there will be 600 units remaining. She does not necessarily oppose the transfer units as long as they would be able to obtain the 329 units.

Commissioner Moore noted that any action taken by the Commission this evening would not give Ms. Stewart any guarantee.

Roll call showed: YEAS: Commissioners Trantalis, Moore and Hutchinson, Vice Mayor Teel, and Mayor Naugle. NAYS: None.

Plat Approval – Minto Federal Plat – Case 16-P-05 **(R-5)**
501-599 North Federal Highway

Applicant: Philip Morgaman, as Trustee
Location: 501-599 North Federal Highway
Zoning: RAC-CC

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 05-195

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, APPROVING A PLAT KNOWN AS "MINTO FEDERAL."

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Trantalis, Moore, and Hutchinson, Vice Mayor Teel, and Mayor Naugle. NAYS: None.

Enterprise Zone Re-Designation Application (R-6)
Including Lauderhill and Dania Beach

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 05-196

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, REQUESTING THE REDESIGNATION OF THE STATE DESIGNATED ENTERPRISE ZONE, REQUESTING A BOUNDARY CHANGE IN THE EXISTING ENTERPRISE ZONE, PROVIDING REASONS FOR REDESIGNATION, AND PROVIDING AN EFFECTIVE DATE.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Trantalis, Moore and Hutchinson, Vice Mayor Teel, and Mayor Naugle. NAYS: None.

Healthcare Contribution for Management and Confidential Employees (R-7)

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 05-197

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, ADJUSTING THE CITY'S CONTRIBUTION TOWARD HELATH CARE PREMIUMS FOR MANAGEMENT AND CONFIDENTIAL EMPLOYEES, AND PROVIDING FOR AN EFFECTIVE DATE.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Trantalis, Moore and Hutchinson, Vice Mayor Teel, and Mayor Naugle. NAYS: None.

**Broward County Boating Improvement Program Grant
Application – New River – Riverwalk Floating Dockage - \$450,000**

(R-8)

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 05-198

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO APPLY FOR A GRANT IN THE AMOUNT OF \$450,000 UNDER THE BROWARD COUNTY BOATING IMPROVEMENT PROGRAM FOR CONSTRUCTION OF FLOATING DOCKS FOR SMALL BOATS ALONG THE NEW RIVER/RIVERWALK AND FURTHER AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY AND INCIDENTAL TO THE ACCEPTANCE OF SUCH FUNDS.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Trantalis, Moore and Hutchinson, Vice Mayor Teel, and Mayor Naugle. NAYS: None.

State Housing Initiatives Partnership

(OB)

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 05-199

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING THE 2004-2007 STATE HOUSING INITIATIVE PROGRAM LOCAL HOUSING ASSISTANCE PLAN TO INCLUDE A DISASTER RELIEF STRATEGY FOR REPAIRING AND REPLACING CERTAIN HOUSING THAT IS DAMAGED AS A RESULT OF A DECLARED EMERGENCY OR NATURAL DISASTER.

Roll call showed: YEAS: Commissioners Trantalis, Moore and Hutchinson, Vice Mayor Teel, and Mayor Naugle. NAYS: None.

Annexation of Rock Island

(OB)

The City Manager said that a spreadsheet has been submitted to the Commission. Reports have also been made regarding site inspections. There has been no major damage done to the buildings.

Motion made by Commissioner Moore to approve the agreement presented by the City Attorney during the closed-door session earlier today.

Mayor Naugle asked if the City Manager has changed his recommendation in light of the new information offered today.

The City Manager said that the feedback provided during the closed-door session was an opinion, and obviously, this is a policy issue for the Commission.

Mayor Naugle said that earlier today, errors had been made in the figures presented to the Commission. Commissioner Hutchinson asked for further explanation since she was unable to attend the conference meeting today.

The City Manager said that an entry of about \$120,000 was a double-counting of police and fire services.

Bernard Wray, Director of Finance, said that both annexations (Twin Lakes and Rock Island) for police and fire had been counted in the Rock Island spreadsheet. In reviewing the figures for Twin Lakes North today, it was evident that they had double-counted police and fire for Rock Island to the tune of approximately \$175,000. Adjustments have been made.

For the benefit of the audience, Vice Mayor Teel said that they are addressing Twin Lakes North and Rock Island for annexation. She supported the agreement offered by the County Commission.

Commissioner Trantalis said the net figures now include the adjustment for the error found. Mr. Wray confirmed that as correct. Commissioner Trantalis noted that for the first three years, the City would realize a positive cash flow of \$242,000, \$254,000 and \$235,000. Mr. Wray confirmed that as correct. Commissioner Trantalis said that once the subsidy is spent, the City would incur an expense of \$373,394 and whatever it may be in successive years. Mr. Wray said that the expense would be approximately \$400,000 per year.

Commissioner Trantalis asked if the park component was removed from the annexation, would there be a positive revenue flow to the City. Mr. Wray referred to the last column on the spreadsheet that shows the City would have a deficit of about \$400,000, and if the parks are removed, that would be about \$700,000. There would be a \$300,000 positive without the park. Commissioner Trantalis said that Rock Island comes with a park and hinders the annexation process because they are shouldering the burden of the park for a very small area based on income through taxation. If the park was located in Twin Lakes, they too would be negative revenue generating. Mr. Wray agreed.

Commissioner Trantalis asked how the City justifies this contradictory approach to annexation.

The City Attorney said that based upon the present numbers, this may not be the case in this particular situation. Based upon the numbers earlier today, if the two neighborhoods are considered together, the City will collect within a five-year period approximately \$1.2 million in revenue above the City's expenses in Twin Lakes. In Rock Island, during the first three years, the City will collect (without considering the revenue generated by the park) \$732,000 for a total of \$1.9 million. In years 4 and 5, the City would be \$767,000 in the hole at Rock Island without considering the revenue. In a five-year period that is about a \$1.16 million net increase of revenue over expenses for that area. At the end of the four-year period, if the value of the taxable property has not risen and the revenue does not rise, then the City has the option of closing the park, cutting losses, and making

it an open space. Program costs for the park is totally within the control of the Commission.

Commissioner Trantalis asked how many years must the park be maintained as open space. The City Attorney advised that the County will be giving the City \$2 million to operate the park for four years. In response to Commissioner Trantalis, the City Attorney indicated that provided it is passive open space, the City can do what it wants with the park after four years. Commissioner Trantalis noted if it was maintained as passive open space, it would reduce the amount of expenditures that would have to be committed to the park. The City Attorney indicated that is correct.

Vice Mayor Teel said the City has the choice of less costly programming at the park, and there could be a higher revenue source at the beginning if that is done. At the end of the four-year period, the City has the option to make the area into an open space. She believed it would be revenue neutral. The County is given the City \$2 million to operate the park for the first four years.

Commissioner Hutchinson said that the City has to pay the County \$225,130 out of the \$2 million. The City Attorney said that cost is in regard to the police and fire services which they have been providing. The City will collect the taxes for the area; for fiscal year and will receive taxes for these services for the full year. The County is asking for reimbursement for the services they provided in the meantime.

Commissioner Moore said that it was offered without the park because they were considering it to be revenue neutral. Through negotiations, they are making the area revenue neutral with the \$2 million from the County.

Motion made by Commissioner Moore to accept this item as presented.

Mayor Naugle said the matter of how the neighborhood could carry the burden of the park was resolved through the committee structure set up by the Legislature when the County guaranteed operation of the park. They then reneged on the offer. In lieu of that offer to operate the park, the settlement is being given.

Vice Mayor Teel seconded the motion. Roll call showed: YEAS: Commissioners Trantalis, Moore, and Hutchinson, Vice Mayor Teel, and Mayor Naugle. NAYS: None.

Advisory Board/Committee Appointments

(OB)

The City Clerk announced the appointees/reappointees who were the subjects of this resolution:

Community Appearance Board	Dilvert Hatchett Michael Cordts
Education Advisory Board	Michael Bacigalupi
Fire Rescue Blue Ribbon Committee	Guido Teichner

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 05-200

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, APPOINTING BOARD MEMBERS AS SET FORTH IN THE EXHIBIT ATTACHED HERETO AND MADE A PART HEREOF.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Trantalis, Moore, and Hutchinson, Vice Mayor Teel, and Mayor Naugle. NAYS: None.

Commissioner Moore left the meeting at approximately 7:46 p.m.

FEMA Request/City Hall Annex

(OB)

Kathleen Gunn, Assistant City Manager, said that FEMA has requested use of the One-Stop Shop building. An inspection was conducted by FEMA to make sure that the building was habitable.

Motion made by Vice Mayor Teel and seconded by Commissioner Trantalis to approve a lease with DHS/FEMA, Emergency Preparedness, and Response Directorate, U.S. Department of Homeland Security for use of the Old City Hall Annex at 300 NW 1 Avenue. Roll call showed: YEAS: Commissioners Trantalis, and Hutchinson, Vice Mayor Teel and Mayor Naugle. NAYS: None.

There being no other matters to come before the Commission, the meeting was adjourned at 7:48 P.M.

Jim Naugle
Mayor

ATTEST:

Jonda K. Joseph
City Clerk